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EXAMINER	
DUONG, THOMAS	
ART UNIT	**PAPER NUMBER**
2145	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/760,028	BERKOWITZ ET AL.	
	Examiner	Art Unit	
	Thomas Duong	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 April 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-41* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This office action is in response to the Applicants' After Non-Final Amendment filed on April 9, 2007. Applicant amended *claims 1-41*. *Claims 1-41* are presented for further consideration and examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. *Claims 1-5, 12-16, and 27-29* are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn et al. (US005999612A), in view of Has et al. (US006230137B1), and further in view of Vander Molen (US004520576).

4. With regard to *claim 1*, Dunn discloses,

- *a first connection port to allow a speech-based conversation to occur over the home-based broadband connection to the Internet network;* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2)

  Dunn discloses, *"our solution is provide a special server/gateway for broadband networks, such as cable television networks, and unique adapters for residences*

served by these networks. In its preferred form, our adapter is a card internally installed in a computer. In addition to the computer, this adapter connects to the PSTN, the broadband network (or a modem connecting to that network), and one or more telephones" (Dunn, col.2, lines 16-22). Hence, Dunn teaches of a computer that includes an adapter containing ports for connecting to the Internet through either the broadband network of the service provider or through the public switched telephone network (PSTN).

- *a second connection port to allow a speech-based conversation to occur over a public switched telephone network (PSTN); and* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2)

  Dunn discloses, *"our solution is provide a special server/gateway for broadband networks, such as cable television networks, and unique adapters for residences served by these networks. In its preferred form, our adapter is a card internally installed in a computer. In addition to the computer, this adapter connects to the PSTN, the broadband network (or a modem connecting to that network), and one or more telephones"* (Dunn, col.2, lines 16-22). Hence, Dunn teaches of a computer that includes an adapter containing ports for connecting to the Internet through either the broadband network of the service provider or through the public switched telephone network (PSTN).

However, Dunn does not explicitly teaches,

- *a plurality of speech engines that recognize speech and synthesize speech to allow the speech-based conversations to occur over the first connection port and the second connection port.*

Has teaches,

- *a plurality of speech engines that recognize speech and synthesize speech to allow the speech-based conversations to occur over the first connection port and the second connection port.* (Has, col.1, line 15 – col.14, line 50)

  Has discloses, *"a first device for inputting at least two speech signals designating the operating functions and/or the components of the household appliance; a second device, operatively connected to the first device, for recognizing the operating functions and/or the components designated by the speech signals; a third device, for converting the speech signals, after being recognized, into a given control command to operate the household appliance"* (Has, col.2, line 67 – col.3, line 7). Hence, Has teaches of system with a second device (i.e., Applicants' speech engine) for recognizing (i.e., Applicants' recognize) the operating instructions and/or components designated by the speech signals (i.e., Applicants' speech). Has discloses, *"The speech signal recognition is preferably carried out in a speaker-independent manner. However, it can also be carried out in a speaker-dependent manner in particular in a speaker-group-dependent manner. The speech of adults exhibits speech characteristics which distinguish them from the speech characteristics of children. In this embodiment of the household appliance according to the invention, children can be excluded from actuating the household appliance"* (Has, col.5, line 66 – col.6, line 6) and *"The speech signal recognition is preferably carried out in a speaker-independent manner, but the speech signal recognition can also be carried out in a speaker-dependent manner through the use of the second device 41, so that it becomes possible to authorize only specific persons, for example only the adult members of a household, to actuate the household appliance"* (Has, col.9, lines 53-59).

Hence, Has implies the use of multiple speech engines capable of distinguishing speech characteristics of children from adults so that children can be excluded from actuating the household appliances.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Has with the teachings of Dunn *"to provide a household appliance which overcomes the above-mentioned disadvantages of the heretofore-known appliances of this general type and which provides a simple, reliable, and rapid speech-controlled operation for the household appliance"* (Has, col.2, lines 10-14) *"by allowing for seamless and effective integration of telephone services into cable networks and/or other broadband networks"* (Dunn, col.2, lines 11-13); through the use of a central computer that includes an adapter containing ports for connecting to the Internet through either the broadband network of the service provider or through the public switched telephone network (PSTN).

However, Dunn and Has do not explicitly teaches,

- *a plurality of speech engines that recognize speech and synthesize speech to allow the speech-based conversations to occur over the first connection port and the second connection port.*

Vander Molen teaches,

- *a plurality of speech engines that recognize speech and synthesize speech to allow the speech-based conversations to occur over the first connection port and the second connection port.* (Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47)

Vander Molen discloses, *"the basic components of the system comprise a speech recognition module 50, a speech synthesis module 52, a master control microcomputer 53 and the appliance control system 56"* (Vander Molen, col.4, lines 2-6). Hence, Vander Molen teaches of a system that includes a speech recognition module as well as a speech synthesis module.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Vander Molen with the teachings of Dunn and Has to provide a conversational voice command control system *"household appliance which overcomes the above-mentioned disadvantages of the heretofore-known appliances of this general type and which provides a simple, reliable, and rapid speech-controlled operation for the household appliance"* (Has, col.2, lines 10-14) *"by allowing for seamless and effective integration of telephone services into cable networks and/or other broadband networks"* (Dunn, col.2, lines 11-13); through the use of a central computer that includes an adapter containing ports for connecting to the Internet through either the broadband network of the service provider or through the public switched telephone network (PSTN).

5. With regard to *claim 27*, Dunn discloses,

- *communicating with a first communication device located on the Internet network so that a speech-based conversation can occur over the home-based connection to the Internet network;* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2)

  Dunn discloses, *"our solution is provide a special server/gateway for broadband networks, such as cable television networks, and unique adapters for residences*

served by these networks. In its preferred form, our adapter is a card internally installed in a computer. In addition to the computer, this adapter connects to the PSTN, the broadband network (or a modem connecting to that network), and one or more telephones" (Dunn, col.2, lines 16-22). Hence, Dunn teaches of a computer that includes an adapter containing ports for connecting to the Internet through either the broadband network of the service provider or through the public switched telephone network (PSTN).

- *communicating with a second communication device located on a public switched telephone network (PSTN) so that the speech-based conversation can occur over the public switched telephone network; and* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2)

  Dunn discloses, *"our solution is provide a special server/gateway for broadband networks, such as cable television networks, and unique adapters for residences served by these networks. In its preferred form, our adapter is a card internally installed in a computer. In addition to the computer, this adapter connects to the PSTN, the broadband network (or a modem connecting to that network), and one or more telephones"* (Dunn, col.2, lines 16-22). Hence, Dunn teaches of a computer that includes an adapter containing ports for connecting to the Internet through either the broadband network of the service provider or through the public switched telephone network (PSTN).

However, Dunn does not explicitly teaches,

- *recognizing speech and synthesizing speech to allow the speech-based conversation to occur over the Internet network and the public switched telephone network;*

- *wherein the recognizing of speech includes an understanding of speech.*

Has teaches,

- *recognizing speech and synthesizing speech to allow the speech-based conversation to occur over the Internet network and the public switched telephone network;* (Has, col.1, line 15 – col.14, line 50)
- *wherein the recognizing of speech includes an understanding of speech.* (Has, col.1, line 15 – col.14, line 50)

  Has discloses, *"a first device for inputting at least two speech signals designating the operating functions and/or the components of the household appliance; a second device, operatively connected to the first device, for recognizing the operating functions and/or the components designated by the speech signals; a third device, for converting the speech signals, after being recognized, into a given control command to operate the household appliance"* (Has, col.2, line 67 – col.3, line 7). Hence, Has teaches of system with a second device (i.e., Applicants' speech engine) for recognizing (i.e., Applicants' recognize) the operating instructions and/or components designated by the speech signals (i.e., Applicants' speech). Has discloses, *"The speech signal recognition is preferably carried out in a speaker-independent manner. However, it can also be carried out in a speaker-dependent manner in particular in a speaker-group-dependent manner. The speech of adults exhibits speech characteristics which distinguish them from the speech characteristics of children. In this embodiment of the household appliance according to the invention, children can be excluded from actuating the household appliance"* (Has, col.5, line 66 – col.6, line 6) and *"The speech signal recognition is preferably carried out in a speaker-independent*

manner, but the speech signal recognition can also be carried out in a speaker-dependent manner through the use of the second device 41, so that it becomes possible to authorize only specific persons, for example only the adult members of a household, to actuate the household appliance" (Has, col.9, lines 53-59). Hence, Has implies the use of multiple speech engines capable of distinguishing speech characteristics of children from adults so that children can be excluded from actuating the household appliances.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Has with the teachings of Dunn *"to provide a household appliance which overcomes the above-mentioned disadvantages of the heretofore-known appliances of this general type and which provides a simple, reliable, and rapid speech-controlled operation for the household appliance"* (Has, col.2, lines 10-14) *"by allowing for seamless and effective integration of telephone services into cable networks and/or other broadband networks"* (Dunn, col.2, lines 11-13); through the use of a central computer that includes an adapter containing ports for connecting to the Internet through either the broadband network of the service provider or through the public switched telephone network (PSTN).

However, Dunn and Has do not explicitly teaches,

- *recognizing speech and synthesizing speech to allow the speech-based conversation to occur over the Internet network and the public switched telephone network;*

Vander Molen teaches,

- *recognizing speech and synthesizing speech to allow the speech-based conversation to occur over the Internet network and the public switched telephone network;* (Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47)

  Vander Molen discloses, *"the basic components of the system comprise a speech recognition module 50, a speech synthesis module 52, a master control microcomputer 53 and the appliance control system 56"* (Vander Molen, col.4, lines 2-6). Hence, Vander Molen teaches of a system that includes a speech recognition module as well as a speech synthesis module.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Vander Molen with the teachings of Dunn and Has to provide a conversational voice command control system *"household appliance which overcomes the above-mentioned disadvantages of the heretofore-known appliances of this general type and which provides a simple, reliable, and rapid speech-controlled operation for the household appliance"* (Has, col.2, lines 10-14) *"by allowing for seamless and effective integration of telephone services into cable networks and/or other broadband networks"* (Dunn, col.2, lines 11-13); through the use of a central computer that includes an adapter containing ports for connecting to the Internet through either the broadband network of the service provider or through the public switched telephone network (PSTN).

6. With regard to *claims 2 and 28*, Dunn, Has, and Vander Molen disclose,

- *wherein a user connects to the computer in order to provide at least one home appliance voice command, said computer further comprising:*

- *an appliance control software module that controls at least one appliance based upon the user's voice command.* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.1, line 15 – col.14, line 50; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47)

7. With regard to *claims 3 and 29*, Dunn, Has, and Vander Molen disclose,

- *wherein the user uses a wireless communication device to connect to the computer in order to provide the appliance voice command.* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.1, line 15 – col.14, line 50; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47)

8. With regard to *claims 4-5*, Dunn, Has, and Vander Molen disclose,

- *wherein a user connects to the computer over the second connection port in order to provide at least one appliance voice command, said computer further comprising:*
  - *an appliance control software module that controls at least one appliance based upon the user's voice command received over the second connection port.* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.1, line 15 – col.14, line 50; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47)
- *wherein the user uses a plain telephone connected to the PSTN in order to provide the appliance voice command over the second connection port. .* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has,

col.1, line 15 – col.14, line 50; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47)

9. With regard to *claims 12-16*, Dunn, Has, and Vander Molen disclose,

- *wherein the computer operates within a residential home of a user.* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.1, line 15 – col.14, line 50; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47)
- *wherein the computer operates within SOHO environment.* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.1, line 15 – col.14, line 50; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47)
- *wherein the computer operates within a non-Internet Service Provider environment.* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.1, line 15 – col.14, line 50; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47)
- *wherein the first connection port provides for voice data over a VoIP channel.* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.1, line 15 – col.14, line 50; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47)
- *wherein the first connection port provides for voice data over a VoN channel.* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.1, line 15 – col.14, line 50; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47)

10. *Claims 6-11 and 30-32* are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn et al. (US005999612A), in view of Has et al. (US006230137B1), further in view of Vander Molen (US004520576), and further in view of Kurganov et al. (US006721705B2).

11. With regard to *claims 6 and 30,* Dunn, Has, and Vander Molen disclose,

See *claims 1 and 27* rejection as detailed above.

However, Dunn, Has, and Vander Molen do not explicitly disclose,

- *a personal software application retrieval module that retrieves personal information from a software application based upon the personal software application voice command of the user.*

Kurganov teaches,

- *a personal software application retrieval module that retrieves personal information from a software application based upon the personal software application voice command of the user.* (Kurganov, col.2, lines 59-63; col.5, lines 48-53)

Kurganov teaches of a system that includes a database containing user profile information to assist the system in searching and retrieving information according to the user's voice commands.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Kurganov with the teachings of Dunn, Has, and Vander Molen to enhance the system by including a database which contains user profile information to assist the system in searching and retrieving information according to the user's voice commands.

12. With regard to *claims 7-8 and 31-32,* Dunn, Has, Vander Molen, and Kurganov disclose,

- *wherein the user uses a wireless communication device to connect to the computer in order to provide the personal software application voice command.* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.1, line 15 – col.14, line 50; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47; Kurganov, col.2, lines 59-63; col.5, lines 48-53)
- *wherein the software application is software selected from the group consisting of personal information management software, financial software, electronic mail software, and combinations thereof.* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.1, line 15 – col.14, line 50; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47; Kurganov, col.2, lines 59-63; col.5, lines 48-53)

13. With regard to *claims 9-11,* Dunn, Has, Vander Molen, and Kurganov disclose,

- *wherein a user connects to the computer over the second connection port in order to provide at least one personal software application voice command, wherein the personal software application retrieval module controls at least one appliance based upon the user's voice command received over the second connection port.* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.1, line 15 – col.14, line 50; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47; Kurganov, col.2, lines 59-63; col.5, lines 48-53)
- *wherein the user uses a plain telephone connected to the PSTN in order to provide the appliance voice command over the second connection port.* (Dunn,

col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.1, line 15 – col.14, line 50; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47; Kurganov, col.2, lines 59-63; col.5, lines 48-53)

- *wherein the software application is software selected from the group consisting of personal information management software, financial software, electronic mail software, and combinations thereof.* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.1, line 15 – col.14, line 50; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47; Kurganov, col.2, lines 59-63; col.5, lines 48-53)

14. *Claims 17-26 and 33-41* are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn et al. (US005999612A), in view of Has et al. (US006230137B1), further in view of Vander Molen (US004520576), and further in view of Ball et al. (US006600736B1).

15. With regard to *claims 17-26 and 33-41,* Dunn, Has, and Vander Molen disclose,

See *claims 1 and 27* rejection as detailed above.

However, *Dunn, Has, and Vander Molen do not explicitly disclose,*

- *a voice markup language management module connected to the Internet network in order to retrieve a voice markup language program to interact by a speech-based conversation with the user over the first and second connections.*

Ball teaches,

- *a voice markup language management module connected to the Internet network in order to retrieve a voice markup language program to interact by a speech-*

based conversation with the user over the first and second connections. (Ball, col.14, lines 43-44)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Ball reference with Dunn and Vander Molen references to enhance the system by utilizing the voice markup language to format the information retrieved by the system at the user's voice command.

Response to Arguments

16. Applicant's arguments with respect to *claims 1 and 27* have been considered but they are not persuasive.

17. With regard to *claims 1 and 27*, the Applicants point out that:

- *Applicant finds absolutely no reference to a plurality of speech engines in the art of Has, as alleged by the Examiner.*
- *Applicant argues that devices 1-3 of Has, as relied upon by the Examiner are not speech engines, as taught and claimed in applicant's invention. Speech engines, as taught and claimed are for receiving and recognizing speech and words of a user. Device 1, element 3, of Has is clearly taught as a microphone for receiving speech signals (col. 5, lines 27-30). The second and third devices are integrated through device 4, which is a controller for processing the signals inputted from the microphone (device 1). Any speech engine in Has is in the connected computer, and is taught as one engine, not a plurality.*

However, the Examiner finds that the Applicants' arguments are not persuasive because Has discloses, *"a first device for inputting at least two speech signals*

designating the operating functions and/or the components of the household appliance; a second device, operatively connected to the first device, for recognizing the operating functions and/or the components designated by the speech signals; a third device, for converting the speech signals, after being recognized, into a given control command to operate the household appliance" (Has, col.2, line 67 – col.3, line 7). Hence, Has teaches of system with a second device (i.e., Applicants' speech engine) for recognizing (i.e., Applicants' recognize) the operating instructions and/or components designated by the speech signals (i.e., Applicants' speech). Has discloses, *"The speech signal recognition is preferably carried out in a speaker-independent manner. However, it can also be carried out in a speaker-dependent manner in particular in a speaker-group-dependent manner. The speech of adults exhibits speech characteristics which distinguish them from the speech characteristics of children. In this embodiment of the household appliance according to the invention, children can be excluded from actuating the household appliance"* (Has, col.5, line 66 – col.6, line 6) and *"The speech signal recognition is preferably carried out in a speaker-independent manner, but the speech signal recognition can also be carried out in a speaker-dependent manner through the use of the second device 41, so that it becomes possible to authorize only specific persons, for example only the adult members of a household, to actuate the household appliance"* (Has, col.9, lines 53-59). Hence, Has implies the use of multiple speech engines capable of distinguishing speech characteristics of children from adults so that children can be excluded from actuating the household appliances.

18. With regard to *claims 1 and 27*, the Applicants point out that:

- *Applicant finds absolutely no reference to a plurality of speech engines in the art of Has, as alleged by the Examiner.*
- *Applicant argues that devices 1-3 of Has, as relied upon by the Examiner are not speech engines, as taught and claimed in applicant's invention. Speech engines, as taught and claimed are for receiving and recognizing speech and words of a user. Device 1, element 3, of Has is clearly taught as a microphone for receiving speech signals (col. 5, lines 27-30). The second and third devices are integrated through device 4, which is a controller for processing the signals inputted from the microphone (device 1). Any speech engine in Has is in the connected computer, and is taught as one engine, not a plurality.*

However, the Examiner finds that the Applicants' arguments are not persuasive because Applicants discloses, *"Any speech engine in Has is in the connected computer, and is taught as one engine, not a plurality"* (Remarks, pg.10). Hence, Applicants admit that Has teaches of one speech engine, but argue that Has does not teach a plurality of speech engines. Please see the section above for cited passages in Has implying more than one speech engine. In addition, it would have been obvious for one of ordinary skill in the art to modify the at least one speech engine of Has invention to include a plurality of speech engines to distinguish the different speech patterns and/or characteristics such as those between adults and children, or among different spoken languages.

19. With regard to *claims 1 and 27*, the Applicants point out that:

- *Applicant respectfully requests the Examiner be more specific when citing references as surely there is an element for element equivalent if Has, as*

espoused by the Examiner, actually teaches a plurality of speech engines, as claimed.

However, the Examiner finds that the Applicants' arguments are not persuasive because the Examiner has already quoted and explained the relevancy of the cited passages.

Conclusion

20. **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 571/272-3911. The examiner can normally be reached on M-F 7:30AM - 4:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason D. Cardone can be reached on 571/272-3933. The fax phone numbers for the organization where

this application or proceeding is assigned are 571/273-8300 for regular communications and 571/273-8300 for After Final communications.

Thomas Duong (AU2145)

October 11, 2007

Jason D. Cardone

Supervisory PE (AU2145)